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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

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10 UNITED STATES OF AMERICA,	}	2:09-CR-078-JCM-(RJJ)
	}	2:10-CR-520-JCM-(RJJ)
11 Plaintiff,	}	
	}	GOVERNMENT'S RESPONSE TO
12 vs.	}	DEFENDANT'S NOTICE OF CIPA
	}	DISCOVERY FRAUD - CR # 25
13 SHAWN RICE,	}	
	}	
14 <u>Defendant.</u>	}	

15
16 COMES NOW the United States of America, by and through DANIEL G.
17 BOGDEN, United States Attorney, and J. Gregory Damm and Nicholas D. Dickinson,
18 Assistant United States Attorneys and hereby submits GOVERNMENT'S RESPONSE
19 TO DEFENDANT'S NOTICE OF CIPA DISCOVERY FRAUD - CR # 25.

20 On June 8, 2012, defendant Rice filed a verified document entitled NOTICE OF
21 CIPA DISCOVERY FRAUD AND REQUEST FOR DISMISSAL OF INDICTMENT
22 WITH PREJUDICE, OR ALTERNATIVELY, PRODUCTION OF CIA, NSA, STATE
23 DEPARTMENT, DEA, IRS, AND FINCEN RECORDS, ANY OTHER CIPA
24 RECORDS, SUBPOENAS AND A CIPA HEARING. As we can best understand his
25 request, the defendant is requesting the disclosure of classified information in the
26 possession of the government that relates to him. He "now demands all CIPA records

1 in the files of any agency, federal or state, un-redacted, and demands the prosecutor in
2 this case be referred for violations of federal law.” CR # 25, page 2, lines 7-9.

3 Defendant Rice provides no parameters for this supposed classified information.
4 First and foremost, he does not specify any time parameters during which this
5 information was allegedly generated. He also does not provide any subject matter
6 context in which this alleged information would have been created. In short, he fails
7 to provide the who, what, where, when, why and how of these allegedly classified
8 records which have been concealed from him.

9 The defendant claims to have an offer of proof “establishing that the government
10 has violated the Classified Information Procedures Act,” but he fails to submit this
11 information to either the court or to the government. The government has asked the
12 F.B.I. case agent if any classified information exists relative to this case and has been
13 assured that no classified information emanated out of this investigation. The
14 government has not queried the universe of federal agencies to see if there exists,
15 somewhere in a limitless time frame and context, classified information relative to
16 Shawn Talbot Rice. No intelligence community nor military assets were used to the
17 prosecutions knowledge in this investigation of the defendant. His request appears to
18 be nothing more than a “fishing expedition” with speculative and unsubstantiated
19 assertions by himself that a government component may have discoverable information
20 helpful to the defendant that is defined as classified information.

21 The second part of the defendant’s motion, although not mentioned in the
22 caption, appears to involve his request to represent himself. This relief has already
23 been afforded to the defendant. After a hearing in the money laundering case, 2:09-
24 CR-078-JCM-(RJJ), defendant’s appointed counsel was allowed to withdraw and the
25 defendant was allowed to represent himself. *See*, CR # 235.

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CONCLUSION

WHEREFORE, the United States respectfully requests an order directing the defendant to submit his offer of proof to substantiate his claim that the government has committed “CIPA discovery fraud in the instant case” and “has violated the Classified Information Procedures Act.” The government understands its discovery obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), but finds the defendant’s current request to be too obtuse to merit a more specific response. In the event the defendant is able to provide his claimed offer of proof, the government will be pleased to again evaluate the defendant’s request in light of more detailed information.

DATED this 25th day of June, 2012.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ J. Gregory Damm

J. GREGORY DAMM
Assistant United States Attorney

/s/ Nicholas D. Dickinson

NICHOLAS D. DICKINSON
Assistant United States Attorney

Certificate of Service

I, Pamela Mrenak, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: GOVERNMENT'S RESPONSE TO DEFENDANT'S NOTICE OF CIPA DISCOVERY FRAUD - CR # 25, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said GOVERNMENT'S RESPONSE TO DEFENDANT'S NOTICE OF CIPA DISCOVERY FRAUD - CR # 25 and mailing a copy postage prepaid to Shawn Talbot Rice, P.O. Box 700, #81, Ash Fork, Arizona 86320 and to Shawn Talbot Rice, Inmate #43739-048, Nevada Southern Detention Center, 2190 E. Mesquite Ave., Pahrump, NV 89060-3427.

Dated: June 25, 2012

/s/ Pamela J. Mrenak
Legal Assistant to J. Gregory Damm
Assistant United States Attorney
District of Nevada